
MOTION AND ORDER FOR CONTINUANCE

**PROCEDURE FOR FILING A MOTION
AND ORDER FOR CONTINUANCE**

1. Complete the following forms in the packet:
 - a. Motion for Continuance
 - b. Rule 1-099 NMRA Certificate
 - c. Request for Hearing
 - d. Notice of Hearing
 - e. Order to Continue Hearing
2. Prepare the documents as listed above. Prepare an original set of documents plus three (3) sets of copies of each form. Sort the documents according to title, place the original on top with the matching stapled copies underneath and paper clip them together.

NOTE: *If the State of New Mexico (HSD) is a Petitioner or an Intervenor, they must be included as a party entitled to notice and four (4) sets of copies should be submitted for filing.*

3. Prepare three (3) stamped and addressed legal sized envelopes. Two envelopes should be stamped and addressed to the opposing party (or his/her attorney) and one (1) envelope addressed to you. If the opposing party is not represented by an attorney and does not have a home address, it is acceptable to use their work address or their parent's address.

NOTE: *If the State of New Mexico is a Petitioner/Intervenor, prepare five (5) stamped and addressed legal sized envelopes. Two (2) envelopes stamped and addressed to the opposing party (or his/her attorney), two (2) addressed to the State, and one (1) addressed to you.*

4. Submit your documents for filing to the **Domestic Relations Division, Room 240, Second Floor**, of the Bernalillo County Courthouse, located at 400 Lomas Blvd. NW, Albuquerque, New Mexico between the hours of **8:00 A.M. - 4:00 P.M., Monday through Friday**.

NOTE: *If the case is pending, a filing fee of \$137.00 is not required. Local Rules require a completed Rule 1-099 NMRA Certificate attached as the last page to your motion. This form shows the Court the status of the case.*

5. The clerk will file your original documents, endorse stamp your copies and return two (2) sets to you (**three (3) sets will be returned to you if the State of New Mexico (HSD) is also a Petitioner/Intervenor**). One set of copies is for your records and the other set is for the opposing party(ies) or his/her attorney. Send endorsed copies of the Motion for Continuance and Request for Hearing in an envelope you addressed to the opposing party(ies) (or his/her attorney). It is your responsibility to inform the opposing party you have requested to continue a hearing.
6. An endorsed copy of the Motion for Continuance, Request for Hearing, Notice of Hearing with self-addressed stamped envelopes for each party and yourself, and the Order to Continue Hearing and its copies will be sent to the office of the Judge or Hearing Officer. If you prefer to deliver the pleadings yourself, you may go to the **Family Court Information Desk located on the 2nd floor, in-between the elevators**, and drop them off with the clerk. The Judge or Hearing Officer will then determine whether or not a hearing will be set, or if the Order to Continue Hearing will be signed.

7. If the Judge or Hearing Officer signs your Order to Continue Hearing then a hearing will not be set. It is important to keep in contact with the Judge's Trial Court Administrative Assistant or the assigned Hearing Officer's staff to determine if your order has been signed. If the Judge or Hearing Officer does not sign the order, a hearing will be scheduled and a Notice of Hearing will be sent to all parties in the envelopes provided by you. This notice will inform you of the hearing date and time.

NOTE: *For time-sensitive requests for continuance, you may want to inform the clerk that you want to hand-carry the documents to the Family Court Reception Area and explain that it is important that the documents be immediately submitted to the Judge or Hearing Officer assigned to your case. You should then communicate with the Judge's Trial Court Administrative Assistant or the assigned Hearing Officer's staff to determine whether your request for continuance will be granted without a hearing, or if the matter will be set for hearing.*

**PROCEDURE FOR REQUESTING
A MOTION FOR CONTINUANCE**

FOLLOW THESE NUMBERED INSTRUCTIONS TO MATCH THE IDENTIFYING NUMBERS ON THE "MOTION FOR CONTINUANCE." YOU MAY TYPE OR PRINT NEATLY USING BLACK INK.

CASE CAPTION:

- (1) Write in the County and Judicial District where you are filing your motion. (*e.g., County of Bernalillo, Second Judicial District*)
- (2) Write in the case number of your existing case.
- (3) Write in your full name as it appears in the caption of all prior pleadings.
- (4) Write in the full name of the other party as it appears in the caption of all prior pleadings. If you were originally the Petitioner, you will remain the Petitioner. If you were the Respondent, you will remain the Respondent.

BODY OF MOTION:

- (5) Write in your full name as you did in number 3 and indicate whether you are the Petitioner or the Respondent.
- (6) Write in the hearing in which you wish to continue along with the scheduled hearing date and time. (*e.g., Respondent's Motion to Modify Child Support set for January 1, 2010 at 10:00*)
- (7) Write in the reason(s) why you want to continue the hearing.
- (8) You must identify whether opposing party or opposing party's counsel gives their concurrence (approval) as to filing this motion. Contact the opposing party or the opposing the party's counsel to get their concurrence (approval) to continue this hearing and indicate whether or not they are in agreement.

CONCLUSION:

- (9) Write in Petitioner or Respondent, whichever you may be, along with the scheduled hearing date and time.

SIGNATURE BLOCK:

- (10) Sign and print your name and provide your full address, city, state, and zip code. You must also provide your area code and telephone number. If you do not have a telephone number, write “no telephone.”

CERTIFICATE OF SERVICE

- (11) Sign your name certifying that you have served opposing party or counsel with a copy of the document you have filed with the court. Write in the method of service, the date of service, and the address to whom service was provided.

NOTE: *Remember that anytime you file something with the court you must send a copy to the other party. It is not the responsibility of court staff to provide opposing party/counsel with copies of the documents that you filed in court.*

STATE OF NEW MEXICO

(1) COUNTY OF _____

_____ JUDICIAL DISTRICT

(2) NO. _____

(3) _____,

Petitioner,

vs.

(4) _____.

Respondent.

MOTION FOR CONTINUANCE

COMES NOW, (5) _____, the _____,
appearing pro se, and respectfully moves the Court to continue the (6) _____
_____ hearing set for _____
at _____, for the following reason: (7) _____ (date)

(8) _____ Concurrence of opposing party/counsel was sought and denied.

OR _____ Concurrence of opposing party/counsel was sought and granted; and the
approved Order accompanies this Motion.

WHEREFORE, the (9) _____ respectfully requests the hearing in
this matter set for _____ at _____, be continued/vacated and
rescheduled at a time convenient to the Court.

RESPECTFULLY SUBMITTED,

(10) _____
Signature

☐ Petitioner Pro Se ☐ Respondent Pro Se

Printed Name

Street Address

City, State and Zip Code
()

Telephone Number

(11) I certify that I have ☐ mailed ☐ personally served ☐ faxed
a copy of this Motion For Continuance to opposing party pro se, or
counsel for opposing party on the ____ day of _____, 20____,
at the following address:

Name

Street Address

City, State and Zip Code

Your Signature

State of New Mexico
County of _____
_____ Judicial District Court

DM _____

Petitioner.

vs.

Respondent.

RULE 1-099 NMRA, CERTIFICATE

COMES NOW _____, and hereby certifies pursuant to Rule 1-099 NMRA, and Second Judicial District Local Rules, Rule LR2-132, that no Rule 1-099 NMRA fee is required because:

☐ this case is pending.

☐ the attached pleading, motion or other paper is filed within ninety (90) days after the last disposition; the last action taken this case was _____; a judgment or decree was filed _____.

☐ the attached pleading, motion or other paper is requesting action which may be performed by the clerk pursuant to these rules -or- seeking to correct a mistake in the judgment, decree or record, filed on _____ -or- a motion accompanied by signed stipulated order disposing of the issue(s) raised by the motion.

☐ the attached pleading, motion or other paper is seeking only enforcement of a child support order filed on _____.

Submitted By: _____
Signature

Print name

☐ Petitioner or ☐ Respondent Pro Se

Mailing Address: _____

City: _____

State/Zip Code: _____

Phone Number: _____

I certify that I have ☐ mailed, ☐ faxed, and/or
☐ delivered personally a copy of this pleading to
opposing counsel/party on this ____ day of _____, 20____.

STATE OF NEW MEXICO
COUNTY OF BERNALILLO
SECOND JUDICIAL DISTRICT

_____,
Petitioner,

v.

No. _____

_____,
Respondent.

REQUEST FOR HEARING

Assigned judge: _____

Matters to be heard: _____

Hearings presently set: _____

Time requested: _____

(Provide names, mailing addresses, and telephone numbers of parties who need to be notified—attach a list if necessary.)

_____	_____
_____	_____
_____	_____
_____	_____

Hearing requested by:

Signature

Name (printed)

Address

Telephone number

CERTIFICATE OF SERVICE

I certify that on _____ (date), I (check the applicable item below and fill in all information)

☐ mailed a copy of this request by United States mail, postage prepaid, to:

Name: _____

Mailing address: _____

City, state, and zip code: _____;

☐ delivered a copy of this request to _____ (the other party or the other party's attorney); or

☐ faxed a copy of this request to _____ (the other party or the other party's attorney) using the following fax number: _____. The transmission was reported as complete and without error. The time and date of the transmission was _____ (a.m) (p.m) on _____ (date).

Signature of attorney

Date of signature

*If this notice was served by a person other than an attorney,
the following must also be completed and filed with the court:*

VERIFICATION OF SERVICE

I affirm under penalty of perjury under the laws of the State of New Mexico that a copy of this request was served by [mail] [fax] [electronic transmission] as described above on _____ (date).

Signature of person who made service

STATE OF NEW MEXICO
COUNTY OF BERNALILLO
SECOND JUDICIAL DISTRICT

_____,
Petitioner,

v.

No. _____

_____,
Respondent.

NOTICE OF HEARING

NOTICE IS HEREBY GIVEN that a hearing in this case has been set as follows:

Date of hearing: _____
Time of hearing: _____
Place of hearing: _____

Matter(s) to be heard: _____
Comments: _____
Length of hearing: _____
Judicial Officer: _____

If this hearing requires more or less time than the court has designated, or if this hearing conflicts with any prior setting, please contact us immediately as continuances may not be granted on late notice. The District Court complies with the American with Disabilities Act. Counsel or self-represented litigants may notify the Clerk of the Court of the nature of the disability at least five (5) days before ANY hearing so appropriate accommodations may be made. Please contact us if an interpreter will be needed.

CLERK OF THE DISTRICT COURT

CERTIFICATE OF SERVICE

I, the undersigned Employee of the District Court of _____ County, New Mexico,
do hereby certify that I served a copy of this document to all parties listed below on
_____.
(list parties entitled to service)

By: _____

**PROCEDURE FOR COMPLETING THE
ORDER TO CONTINUE HEARING**

FOLLOW THESE NUMBERED INSTRUCTIONS TO MATCH THE IDENTIFYING NUMBERS ON THE "ORDER TO CONTINUE HEARING." YOU MAY TYPE OR PRINT NEATLY USING BLACK INK.

CASE CAPTION:

- (1) Write in the County and Judicial District where you are filing your motion.
- (2) Write in the case number of your existing case.
- (3) Write in your full name as it appears in the caption of all prior pleadings.
- (4) Write in the full name of the other party as it appears in the caption of all prior pleadings. If you were originally the Petitioner, you will remain the Petitioner. If you were the Respondent, you will remain the Respondent.

BODY OF ORDER:

- (5) Write in Petitioner or Respondent, whichever you may be.
- (6) Write in the hearing you wish to continue. (*e.g., Respondent's Motion to Modify Child Support*)

CONCLUSION:

- (7) Write in the previously scheduled hearing date and time.

STATE OF NEW MEXICO

(1) COUNTY OF _____
_____ JUDICIAL DISTRICT

(2) NO. _____

(3) _____,

Petitioner,

vs.

(4) _____.

Respondent.

ORDER TO CONTINUE HEARING

THIS MATTER has come before the Court upon (5) _____'s
request to continue a hearing on (6) _____.

The Court having reviewed the pleadings and being otherwise advised in the
premises, FINDS that the Motion is well taken.

IT IS THEREFORE ORDERED, that the hearing set for (7) _____
at _____ is hereby vacated and continued. This matter will be rescheduled for:

() _____ at _____.

() Upon notice provided by the Court.

() Upon the request of either party.

DISTRICT JUDGE

STATE OF NEW MEXICO
COUNTY OF _____
IN THE _____ COURT

_____, Petitioner

v.

_____, Respondent NO. _____

REQUEST FOR INTERPRETER

PERSON NEEDING INTERPRETER: Party _____ Witness for _____

NAME OF PERSON NEEDING INTERPRETER: _____

SPECIFIC MATTERS TO BE HEARD: _____

DATE: _____ TIME: _____ LOCATION: _____

JUDGE: _____ TIME REQUIRED: _____

LANGUAGE NEEDED: Spanish _____ Sign _____ Other _____

REQUESTED BY: _____

Signature of party or party's attorney

[BELOW FOR CLERK'S USE ONLY]

NAME OF INTERPRETER: _____

DATE INTERPRETER CONTACTED: _____

DATE/TIME VERIFIED WITH INTERPRETER: _____

BY _____

Deputy Clerk

USE NOTE

The party requesting the interpreter is responsible for notifying the court clerk's office if cancellation of the interpreter services is required. If the requesting party fails to do so in a timely manner, that party may be responsible for the fees and mileage expenses of the interpreter in accordance with the Administrative Office of the Courts Court Interpreter Standards of Practice and Payment Policies.

[Adopted by Supreme Court Order No. 12-8300-022, effective for all cases filed or pending on or after January 1, 2013].